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Attorneys for Plaintiffs DAREN HEATHERLY  
and DISABILITY RIGHTS ENFORCEMENT,  
EDUCATION SERVICES

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

|  |                                      |
|--|--------------------------------------|
| DAREN HEATHERLY, an individual; and )      | <b>CASE NO. C 07-3327 MEJ</b>        |
| DISABILITY RIGHTS, ENFORCEMENT, )          |                                      |
| EDUCATION, SERVICES:HELPING YOU )          | <b>NOTICE OF VOLUNTARY DISMISSAL</b> |
| HELP OTHERS, a California public benefit ) |                                      |
| corporation, )                             | <b>(Fed. R. Civ. P. 41(a))</b>       |
| )  |                                      |
| Plaintiffs, )                              |                                      |
| )  |                                      |
| v. )                                       |                                      |
| )  |                                      |
| APPLE TREES CAFÉ; ORETTA FAYE )            |                                      |
| BUTTNER TRUSTEE of the ORETTA )            |                                      |
| FAYE BUTTNER REVOCABLE TRUST; )            |                                      |
| ADRIAN CHAPARRO, an individual dba )       |                                      |
| APPLE TREES, )                             |                                      |
| )  |                                      |
| Defendants. )                              |                                      |
| _____ )                                    |                                      |

TO THE COURT AND ALL PARTIES OF INTEREST:

Plaintiffs Daren Heatherly and Disability Rights Enforcement, Education  
Services, by and through their counsel, hereby voluntarily dismiss this action in  
its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the

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terms of the Settlement Agreement and General Release herein, each party is to bear its own costs and attorneys' fees.

Dated: October 17, 2007

THOMAS E. FRANKOVICH,  
*A PROFESSIONAL LAW CORPORATION*

By: /s/  
Thomas E. Frankovich  
Attorneys for Plaintiffs CRAIG YATES and  
DISABILITY RIGHTS ENFORCEMENT,  
EDUCATION SERVICES